

# THE NATIONAL ARCHIVES LITTEA SCRIPTA MARET FEDERAL REGISTER OF THE UNITED STATES 1934

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## Regulations

### TITLE 6—AGRICULTURAL CREDIT Chapter II—War Food Administration (Commodity Credit)

[CCC Grapefruit Juice Form 1, Amdt. 1]

#### PART 249—1943-1944 GRAPEFRUIT JUICE PAYMENT PROGRAM

#### OFFER OF COMMODITY CREDIT CORPORATION TO MAKE PAYMENTS IN RESPECT OF GRAPEFRUIT JUICE

In order that the "Offer of Commodity Credit Corporation to Make Payments in Respect of Grapefruit Juice" (herein called the "offer"), 9 F.R. 628, may reflect more accurately the commitments heretofore made by Commodity Credit Corporation therein called "Commodity") in its 1943-1944 Grapefruit Juice Payment Program and to render the offer more explicit, Commodity hereby amends the offer in the manner and to the extent provided in this Amendment No. 1 to the offer.

Section 249.5 of the offer is hereby amended to read as follows:

§ 249.5 *Determination of monthly area fruit costs.* As soon as practicable after receipt of the monthly reports required pursuant to § 249.3 hereof, Commodity shall determine, on the basis of such information as may be available to it, the weighted average area industry delivered cost (hereinafter called the "monthly area fruit cost") of grapefruit with respect to each area, delivered to processors' plants exclusively for processing, for each monthly period covered by such reports: *Provided, however,* That in the event any monthly area fruit cost as thus determined for any period during the term of this offer shall be in excess of the following applicable maximum costs or less than the following minimum costs, then such monthly area fruit cost for such period shall be the applicable maximum (or minimum, as the case may be) cost hereinafter set forth, rather than the cost determined in accordance with this sentence hereof:

Grapefruit area	Maximum	Minimum
Florida.....	Per \$2.25	Per \$1.47
Texas.....	Per \$2.25	Per \$1.60
California-Arizona.....	Per \$2.97	Per \$2.00

*Provided further,* That in respect of fresh grapefruit delivered to any eligible processor between October 1, 1943 and November 30, 1943, both dates inclusive, the monthly area fruit costs applicable to grapefruit delivered on a fixed price basis during such two months period (not segregated according to the separate months) shall apply. In respect of fresh grapefruit delivered to any eligible processor after May 31, 1944, the monthly area fruit costs applicable to such fresh grapefruit shall be those established for the month of May, 1944. In the event Commodity determines, in respect of any period, that reports made pursuant to § 249.3 hereof are inadequate to establish the monthly area fruit cost with respect to any area or areas, Commodity shall determine the monthly area fruit costs applicable to such area or areas for such period on the basis of prevailing prices in the fresh grapefruit market for fruit from such area or areas during such period adjusted to reflect appropriate differentials with respect to grapefruit for processing. Subject to the right of Commodity to correct or amend such determination in case of error, all determinations by Commodity of monthly area fruit costs shall be final and conclusive.

Section 249.13 is hereby amended to read as follows:

§ 249.13 *Payment.* Commodity shall, as soon as practicable after receipt of each such application for payment (or for interim settlement, as the case may be), make payment thereof (to the extent found to be in conformity with this offer) to the eligible processor who made the application for payment (or interim settlement): *Provided, however,* That no more than one payment shall be made

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by Commodity hereunder in respect of the eligible grapefruit juice contained in any particular container. The making of any such payment or interim settlement shall not preclude Commodity from requiring restitution of any such payment or portion thereof in the event of a subsequent finding: (a) That any such claim is invalid, defective or incorrectly computed; or (b) that the eligible processor has not acted in good faith or failed otherwise to comply with the terms of this offer. In the event of a preliminary finding by Commodity, based on information to the effect that any processor has not acted in good faith (including, though not by way of limitation, payment by it (or by parties in privity with it) to the grower of an amount, for fresh fruit, excessively below the amount reported to Commodity as the delivered purchase cost of such fresh fruit) or otherwise has failed to comply with the terms of this offer, Commodity reserves the right to suspend payments hereunder to such processor, either in respect of the grapefruit juice upon which such payments are sought or in respect of any of such processor's operations or transactions hereunder. In the event of any such suspension of payment, Commodity shall, as soon as practicable, make a determination of the facts of such compliance or non-compliance, which determination shall be final and conclusive. If after investigation such processor is found not to have acted in good faith or has failed otherwise to comply with the terms of this offer, such processor shall (to the extent Commodity may elect): (1) Be denied any further participation in Commodity's 1943-44 Grapefruit Juice Payment Program hereunder; (2) be denied any further payments hereunder; and (3) be required to reimburse Commodity for any payments hereunder theretofore received by such processor in respect of or relating to those transactions or sales determined not to have been in good faith and otherwise in conformity with this offer. Such rights shall be in addition to any and all other rights of Commodity in the premises. Each eligible processor shall: (1) Report the quantities of the various classes of products covered by payments or interim settle-

ments by Commodity which were subsequently rejected or returned to such eligible processor; and (2) make appropriate adjustment thereof either by set-off or otherwise, within such period of time as Commodity shall direct. Reports and adjustments shall be made, within 30 days of such rejection or return, by each eligible processor in respect of any such products rejected or returned subsequent to the termination of this offer.

Section 249.8 of the offer is amended by adding the following sentence thereto at the end thereof:

In the event any eligible processor's weighted average delivered purchase cost for grapefruit purchased on a fixed price basis for processing into eligible grapefruit juice in respect of any month during the term of this offer (whether such eligible processor elects to operate on a packing month basis or on a seasonal average area fruit cost basis) is less than or in excess of the applicable monthly area fruit cost for such month, then (1) such weighted average delivered purchase cost or (2) 103% of the applicable monthly area fruit cost, whichever of said two costs is the lower, shall be used in lieu of the monthly area fruit cost in respect of the grapefruit so purchased: (1) In determining the rate of payment under this offer for such month if such eligible processor has elected to operate on the packing month basis, and (2) in determining the seasonal average area fruit cost if such eligible processor has elected to operate on the seasonal average area fruit cost basis: *Provided, however,* That in no event shall the applicable amount upon the basis of which payments hereunder are made be in excess of the applicable maximum amount per ton specified in § 249.5 of this offer.

Section 249.13 of the offer is hereby amended by adding thereto, at the end thereof, the following sentence:

No payments shall be made under the offer to any eligible processor on account of grapefruit delivered on a provisional or conditional price basis after February 5, 1944: *Provided, however,* That this shall not preclude the making of payments hereunder subsequent to such date: (1) to eligible processors which are bona fide cooperatives in respect of grapefruit delivered by their grower-members; (2) to eligible processors in respect of grapefruit grown by them; or (3) to others who have received from Commodity specific approval to purchase grapefruit on a conditional or provisional price basis.

Persons acting in reliance upon the offer as amended hereby shall do so in accordance with and subject to the offer as so amended in respect of all eligible grapefruit juice, packed by them during the term of the offer as so amended, with respect to which payment is sought from Commodity.

(Sec. 7, 49 Stat. 4, as amended by 50 Stat. 5, 53 Stat. 510, 55 Stat. 498, and Pub. Law 151, 78th Cong.)

Issued at Washington, D. C., the fifth day of February 1944:

[SEAL] COMMODITY CREDIT  
CORPORATION.  
By J. B. HUTTON,  
President.

Attest:

NORINE J. FAUBLE,  
Assistant Secretary.

[F. R. Doc. 44-7732; Filed, February 4, 1944;  
11:31 a. m.]

## TITLE 7—AGRICULTURE

### Chapter X—War Food Administration (Production Orders)

[FPO 5, Rev. 2, Directive 5]

#### PART 1206—FERTILIZER

#### DESIGNATION OF PRODUCTION-INCREMENT CROPS

Pursuant to the authority vested in me by Food Production Order No. 5, Revision No. 2 (8 F.R. 14649, 9 F.R. 632), and in order to promote maximum production to achieve the food, feed and fiber production goals established by the War Food Administration, it is hereby ordered, that:

§ 1206.105 *Designation of production-increment crops.* Pasture and forage crops are hereby designated as Production-Increment crops.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FPO 5, Rev. 2, 8 F.R. 14649, 9 F.R. 632)

Issued this 31st day of January 1944.

J. W. MILLARD,  
Director,  
Office of Materials and Facilities.

[F. R. Doc. 44-1733; Filed, February 4, 1944;  
11:31 a. m.]

[FPO 9, Rev. 3, Director's Order 6]

#### PART 1220—FEED

#### LIMITATIONS ON MIXED FEED MANUFACTURERS

Pursuant to the authority vested in me by Food Production Order No. 9, Rev. 3 (8 F.R. 16960), issued on December 18, 1943, to effectuate the purposes of such order pertaining to the use of protein meal in the manufacture of mixed feeds and to promote an equitable distribution of protein meal among mixed feed manufacturers, handlers and feeders, it is hereby ordered, that:

§ 1220.8 *Quarterly limitation on the use of protein meal in the manufacture of mixed feed.* During any quarter (beginning January 1, April 1, July 1 or October 1) of the calendar year 1944, no mixed feed manufacturer shall use any quantity of protein meal in the manufacture of mixed feeds which will exceed (1) his average use for such purpose during the corresponding quarter of the calendar years 1942 and 1943, or (2) 30 percent of his average yearly use for such

purpose during the calendar years 1942 and 1943, whichever is greater. Nothing herein shall be construed, however, to permit any mixed feed manufacturer, during the calendar year 1944, to use any quantity of protein meal in the manufacture of mixed feeds which is in excess of 100 percent of the average quantity of protein meal used by him in the manufacture of mixed feeds during the calendar years 1942 and 1943, as provided in paragraph (d) of Food Production Order No. 9, Revision No. 3.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9352, 8 F.R. 14783; FPO 9, Rev. 3, 8 F.R. 16960)

Issued this 4th day of February 1944.

J. B. HUTTON,  
Director of Food Production.

[F. R. Doc. 44-1734; Filed, February 4, 1944;  
11:31 a. m.]

### Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-138]

#### PART 1401—DAIRY PRODUCTS

#### FLUID MILK AND CREAM IN MACON, GA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.173 *Quota restrictions—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk by-products for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk by-products, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk by-products, minus the milk solids in quota-exempt deliveries of milk, and cream and milk by-products, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk by-products, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk by-products other than cottage, pot, or baker's cheese, shall

be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk by-products by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Macon, Georgia, sales area, and is referred to hereinafter as the "sales area":

The city of Macon and the militia districts of Cadfrey, East Macon, and Vineville, all in Bibb County, Georgia.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk by-products.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk by-products.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespec-

tive of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant

temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports, which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 15, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 1st day of February 1944.

C. W. KITCHEN,

Acting Director of Food Distribution.

[F. R. Doc. 44-1645; Filed, February 2, 1944; 1:05 p. m.]

[FDO 79-108, Amdt. 1]

#### PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN COLUMBUS, GA.,  
SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7,

1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-108 (9 F.R. 142), relative to the conservation and distribution of fluid milk in the Columbus, Georgia, milk sales area, issued by the Director of Food Distribution on December 31, 1943, is hereby amended as follows:

Delete the description of the sales area in § 1401.146 (b) and insert, in lieu thereof, the following:

The city of Columbus, Georgia, and the county of Muscogee in the State of Georgia, and Phenix City located in Russell County in the State of Alabama.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-108, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-108 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 2d day of February 1944.

C. W. KITCHEN,

Acting Director of Food Distribution.

[F. R. Doc. 44-1706; Filed, February 3, 1944; 1:14 p. m.]

#### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

##### Chapter II—War Food Administration (Packers and Stockyards)

##### PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK

##### WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Pursuant to the application of the Washington State Department of Agriculture, duly designated under the laws of the State of Washington, to act as an official livestock inspection agency, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. Supp. II, 217a), the following authorization is deemed necessary and is issued herewith:

§ 203.8 *Washington State Department of Agriculture.* The Washington State Department of Agriculture, duly designated under the laws of the State of Washington to act as an official livestock inspection agency, is hereby authorized with respect to livestock originating in or shipped from the State of Washington, subject to the provisions of the act, to charge and collect, at those stockyards posted under the act at which the said Washington State Department of Agriculture may register as a market agency to perform such inspection, reasonable and nondiscriminatory fees for the inspection of brands, marks, and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by

the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said Washington State Department of Agriculture. Such inspection, charges, and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and such regulations as may be promulgated pursuant thereto.

This authorization supersedes and revokes the authorization issued on June 30, 1937, to the Washington State Department of Agriculture, which appears in § 203.8, Chapter I, Title 9, Code of Federal Regulations.

(7 U.S.C. 1940 ed. Supp. II, 217a; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 3d day of February 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-1735; Filed, February 4, 1944;  
11:31 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

#### PART 602—GENERAL ORDERS AND DIRECTIVES

[Reg. 13, Amdt. 1]

##### BITUMINOUS COAL SHIPMENTS IN SOUTHEASTERN STATES

It is necessary to amend Solid Fuels Administration for War Regulation No. 13 (9 F.R. 1005) in order (1) to require certain producers in the Big Sandy-Elkhorn Subdistrict of District No. 8 to make available each week for shipment, pursuant to specific directions issued by the Solid Fuels Administration for War, a portion of their week's production of lump and double-screened domestic coal (not including household domestic stoker coal) and (2) to provide that the reporting requirements of § 602.238 of the regulation may be satisfied by filing each day with the Area Distribution Manager for District No. 8 the manifest sheet or other summarization of daily shipments used between the mine and the sales office of a producer. Accordingly, pursuant to the powers conferred by Executive Order No. 9332, Solid Fuels Administration for War Regulation No. 13 is hereby amended as follows:

(1) Section 602.236 (b) is hereby amended to read as follows:

§ 602.236 *Required shipments of bituminous coal by certain producers in District No. 8 to certain destinations.* \* \* \*

(b) Each producer in the Kanawha, Logan, Hazard and Williamson Subdistricts of District No. 8—and each producer in the Big Sandy-Elkhorn Subdistrict of District No. 8 whose mine is located on the Louisville & Nashville Railroad Company—shall make available for shipment pursuant to specific directions issued by the Solid Fuels Administration, 5 percent of each week's production of lump and double-screened

domestic coal (but not including household domestic stoker coal). However, if no specific direction from the Solid Fuels Administration is received by any such producer by Thursday of any week, such producer may ship the entire production of lump and double-screened domestic coal of that week on orders on hand subject to the provisions of Solid Fuels Administration for War Regulation No. 10 (8 F.R. 15773) or of other regulations or directions issued by the Solid Fuels Administration.

(2) Section 602.238 is amended to read as follows:

§ 602.238 *Reports.* Each producer in District No. 8 shall report in writing each day to Mr. Wayne P. Ellis, Area Distribution Manager, Solid Fuels Administration for War, 600 Transportation Building, Cincinnati, Ohio, the name and location of each retail dealer to whom coal was shipped on the previous day in accordance with the provisions of § 602.236 (a) of this regulation, and the tonnage so shipped. In lieu of such report, each such producer may file daily with Mr. Ellis a copy of the daily manifest sheet or other type of record used between his mine and his sales office covering any tonnage shipped the previous day in accordance with § 602.236 (a). The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 3d day of February 1944.

C. J. POTTER,  
Deputy Solid Fuels  
Administrator for War.

[F. R. Doc. 44-1736; Filed, February 4, 1944;  
11:52 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Foreign Economic Administration

#### Subchapter B—Export Control

[Amdt. 147]

#### PART 801—GENERAL REGULATIONS

#### PART 802—GENERAL LICENSES

##### MISCELLANEOUS AMENDMENTS

Section 801.2, *Prohibited exportations*, is hereby amended in the following particulars:

The group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

*Commodity, Department of Commerce No., General License Group*

Glass and glass products:  
Beverage bottles, including soda, beer, and alcoholic-beverage bottles; 5234.00; K minus 3.

Pharmaceutical and proprietary ware, including prescription bottles, ampoules and vials; 5232.00; K.

Other unfilled glass containers, n. e. s.; 5235.00; K.

Part 802, General Licenses, is hereby amended by adding thereto § 802.26 as follows:

§ 802.26 *General license "G-BC".* A general license designated "G-BC" is hereby granted authorizing the exportation to all destinations of bottle and container closures when shipped for use with an equal number of glass bottles and glass containers the exportation of which is authorized by general license.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 31, 1944.

S. H. LEBENSEBURGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-1720; Filed, February 4, 1944;  
10:32 a. m.]

[Amdt. 148]

### EXPORTATIONS OF RICE TO LATIN AMERICA

#### ORDER REVOKING CERTAIN LICENSES

It is hereby ordered, That all outstanding individual export licenses, issued by the Foreign Economic Administration or Office of Economic Warfare, authorizing the exportation of rice (Schedule B Nos. 1055.00, 1057.00, 1058.00) to any of the Latin American Republics be and the same are hereby revoked effective April 1, 1944: *Provided*, That shipments which are authorized by licenses revalidated prior to April 1, 1944, or which were on dock, or lighter or laden aboard on exporting carrier prior to April 1, 1944, may be exported pursuant to said licenses or previous valid licenses.

It is further ordered, That any person holding such licenses revoked by this order may forward the same to the Food Division Requirements and Supply Branch, Bureau of Supplies, Foreign Economic Administration, Washington 25, D. C., for revalidation.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: February 1, 1944.

S. H. LEBENSEBURGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-1721; Filed, February 4, 1944;  
10:32 a. m.]

[Amdt. 149]

#### PART 801—GENERAL REGULATIONS

#### PART 802—GENERAL LICENSES

Section 801.2, *Prohibited exportations*, is hereby amended in the following particulars:

The group and country designations assigned to the commodities listed below,



at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity, Department of Commerce No. and General License Group

Iron and steel manufactures:  
Tacks (Report Thumbtacks in 9399.00); 6094.00; None.  
Nails and staples, other; 6095.00; None.

Paragraph (a) of § 802.10, *General licenses which permit shipments not exceeding a specified value*, is hereby amended by adding to the list of commodities set forth therein the following:

Commodity: Schedule B No.  
Shoe tacks and nails.----- 6094.00, 6095.00

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective February 11, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

S. H. LEBENSBURGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-1722; Filed, February 4, 1944;  
10:32 a. m.]

## Chapter IX—War Production Board

### Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2(a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

### PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-a, Interpretation 2]

#### GALVANIZED WARE AND NON-METAL COATED METAL ARTICLES

The following interpretation is issued with respect to Limitation Order L-30-a:

Paragraph (d) (2) of Order L-30-a prohibits the production of any "fire bucket" from iron and steel which is zinc-coated or has a plain, japanned, painted, lithographed or lacquered finish. This provision applies to a bucket having a round bottom or a bucket having a conical or other shape especially designed for use as a fire bucket. This provision, however, does not prevent a manufacturer from taking an ordinary 10- or 14-quart pail or bucket which he may produce under the order and painting it red or stenciling the word "fire" on it.

Issued this 4th day of February 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-1726; Filed, February 4, 1944;  
11:13 a. m.]

### PART 3293—CHEMICALS<sup>1</sup>

[Limitation Order L-20 as Amended Feb. 4, 1944]

Section 3293.1<sup>1</sup> Limitation Order L-20 is hereby amended to read as follows:

§ 3293.1 Limitation Order L-20—(a) Definitions. For the purpose of this order:

(1) "Supplier means any manufacturer, converter, jobber, dealer, printer and any other person who directly or indirectly delivers cellophane to the users.

(2) "Cellophane" means a film of plasticized regenerated cellulose, whether in nonmoisture proof or moistureproof grades and whether or not heat sealing, and cellulose caps or bands. It does not include any material which has been used to package, wrap or seal any product or in manufacture.

(b) *Restriction on use.* Except as provided in paragraphs (i) and (j), no person shall use cellophane for the packaging, wrapping, sealing or manufacture of the following materials or products:

(1) Cosmetics, soaps, deodorants (including paradichlorobenzene), and cleaning materials, except that cellophane may be used as provided in paragraph (c) and as a replacement of metal for collapsible tubes for tooth paste.

(2) All textiles other than bandages, sanitary swabs and typewriter ribbons.

(3) All rubber and rubber products, except that cellophane may be used in the manufacture of rubber products, as a substitute for Holland Cloth in the backing of retreading stocks for tires, tire liners, patches and sandblast stencils, and as a wrapping on friction and rubber tape.

(4) All hardware, metals and sporting goods, except that cellophane may be used for packaging and wrapping precision metal parts.

(5) All paper and paper products, including cellulose backed adhesive tape for household purposes.

(6) Glassware, including optical lenses and jewelry.

(7) Candles and wax products, except that cellophane may be used as provided in paragraph (c).

(8) Electrical equipment, except that cellophane may be used in the manufacture of such equipment.

(9) Wood and wood products other than medical tongue depressors and swabs.

(10) Leather and leather products.

(11) Bottles and jars for any use except that cellulose bands and caps may be used for sealing bottles containing wines and alcoholic liquors; for sealing bottles containing drugs subject to deterioration through loss of volatile ingredients by evaporation, when the bottles are labeled to that general effect; and except as provided in paragraph (c).

(12) Canned goods of any sort.

(13) Flowers, plants, seeds and grains.

(14) All decorations and novelties.

(15) Bowl and basket covers, household dyes, household rolls, soda straws, sewing supplies, garment covers, toys and games, pipe filters, coin wrappings, natural and artificial sponges, doilies, hair waving equipment, brake linings, mold-

ing materials, window covers, "Jiffy Seals" and similar seals.

(16) Milk bottle hoods, except by a dairy bottling 84,000 or less bottles per month.

(17) Putty and paint, except that cellophane may be used as provided in paragraph (c) and as a replacement for metal containers.

(18) Plastic products (other than tooth brushes) and except that cellophane may be used in the manufacture of plastic products.

(19) Drug products, chemicals and antiseptics, except where necessary for the protection of the product itself.

(20) Candy products and chewing gum as follows:

(i) For box overwraps, including the wrapping of either lid or box of "set-up" boxes.

(ii) For open end sleeves on boats or trays.

(iii) In addition to any wrapper of waxed paper, glassine, grease proof, vegetable parchment, or super calendered sulphite.

(iv) For use as both a container and individual wrap for the same candy piece to form a single packaging unit.

(v) For any other type of packaging of candy products and chewing gum, except where necessary for the protection of the product itself.

(21) All foods for animals.

(22) All insecticides and rodenticides, other than paradichlorobenzene and naphthalene insecticides.

(23) Tea, spices, peppers, condiments, sugar, flour, and unshelled nuts.

(24) Carton overwraps for dried food products, including but not limited to peas, beans, rice, barley and lentils, macaroni, noodles, and similar paste goods, cereal, cooked and uncooked, and dessert and drink powders.

(25) Window cartons and window bags for all non-food products and for candy products, chewing gum, teas, spices, condiments, sugar, flour and unshelled nuts.

(26) Cigarettes, except that cellophane may be used where foil is omitted from the package.

In addition to the foregoing, no person shall use cellophane for retail decorative "point of sale" packaging or wrapping.

(c) *Metal top replacement exemption.* Notwithstanding the provisions of paragraph (b), cellulose caps and bands may be used as a metal replacement for the packaging of liquid or paste soaps, industrial oils and greases, bottled foods, putty and paint, if the cellulose cap or band serves as a primary closure to a glass, ceramic, or paper top. Disc inner liners of cellulose film may be used also for paper tops to containers for these same products.

(d) *Restrictions on deliveries.* (1) No person shall knowingly, directly or indirectly, deliver or cause to be delivered any cellophane, and no person shall accept cellophane to be used for packaging, wrapping, sealing or manufacture in violation of the provisions of paragraph (b) or (f), unless such packaging, wrapping, sealing or manufacturing is exempt under the provisions of paragraphs (c), (i), or (j).

(2) No user of cellophane may sell or deliver his idle or excess stock of such material to another person (except a

<sup>1</sup> Formerly Part 1015, § 1015.1.

manufacturer of such material) without the specific authorization in writing of the War Production Board.

(e) *Inventory restriction.* No person within the forty-eight states of the United States or within the District of Columbia shall accept delivery of cellophane if the amount accepted, together with his inventory of such material then on hand, shall exceed a forty-five day supply, having regard to his orders on hand and his current method and rate of operation. However, the restrictions of this paragraph (e) shall not apply to the acceptance of delivery of fifty pounds or less of cellophane by any person whose inventory of cellophane, immediately prior to delivery, is fifty pounds or less. No person shall deliver cellophane if he knows or has reason to believe that the person accepting delivery will have, on acceptance an amount of cellophane in excess of the inventory allowed him by the previous sentences of this paragraph.

(f) *Partial restrictions on use.* (1) In no calendar quarter shall any person use cellophane in the packaging, wrapping or sealing of cigarettes, cigars and chewing tobacco in an amount in excess of 90% of one quarter of his consumption of cellophane for such purposes during the entire year of 1942. In no calendar quarter shall any person use cellophane in the packaging, wrapping or sealing of smoking (pipe) tobacco in an amount in excess of 90% of his consumption of cellophane for such purposes during the fourth quarter of 1942.

(2) In no calendar quarter shall any person use cellophane in the packaging, wrapping or sealing of bakery products in an amount in excess of 90% of one quarter of his consumption of cellophane for such purpose during the entire year of 1942.

(3) The restrictions of this paragraph (f) do not apply to any person consuming 50 pounds or less of cellophane during any calendar quarter.

(g) [Deleted]

(h) *Monthly reports.* Each converter, agent, fabricator, jobber or similar supplier acting as direct or indirect sales agent for any producer must, by the tenth day of each month, submit to such producer a report of his sales during the preceding month of cellophane (other than waste material as defined in paragraph (i) hereof) purchased by such agent from such producer, classifying sales according to industry (such as candy and chewing gum industry, baking industry, drug industry, tobacco industry, and other specifically named industries) and stating as to each class the total number of pounds sold and the number of pounds sold for civilian use, for military use, and for Lend-Lease. Each producer shall keep records of such reports available for inspection by representatives of the War Production Board. Each person affected by this order shall file such other reports as may from time to time be required by the War Production Board, subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

(i) *Waste material exception.* Nothing contained in this order shall prohibit the sale, delivery or use of waste cellophane (known as roll end trim and re-

jected or defective rolls and sheets), but producers and suppliers of waste cellophane shall report to the War Production Board by the tenth day of each month the quantities of such material sold or delivered during the preceding month and the recipients thereof.

(j) *Military exception.* The restrictions of this order shall not apply to the use of cellophane for packaging, wrapping, sealing or manufacturing any material or product to be delivered to or for the account of the United States Army, Navy, Maritime Commission or War Shipping Administration, or to any foreign country pursuant to the Act of March 11, 1942, (Lend-Lease Act); *Provided*, That where this material is not used in connection with implements of war, the primary contract specifically requires the use of such material or of a transparent wrapping material. Persons using cellophane in accordance with the above exception shall nevertheless file reports as required in paragraphs (h) and (i).

(k) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the field office of the War Production Board for the district in which the appellant is located, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: L-20.

*NOTE:* The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 4th day of February 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-1727; Filed, February 4, 1944;  
11:13 a. m.]

Subchapter D—Office of the Rubber Director  
PART 4600—RUBBER, SYNTHETIC RUBBER,  
BALATA AND PRODUCTS THEREOF

[Rubber Order R-1 as Amended Jan. 12, 1944,  
Amdt. 1]

Rubber Order R-1 as amended January 12, 1944 is hereby amended in the following respects:

1. By amending § 4600.27 to read as follows:

§ 4600.27 *Use of reclaimed, scrap and synthetic rubber cement.* (a) No person shall use any cement which contains general purpose synthetics except,

(1) In the manufacture, application or repair of products in which rubber or synthetic rubber may be used under this order.

(2) In the manufacture of leather shoes; *Provided*, That cements containing Neoprene shall be limited to the following operations only: Folding; Rib and Lips; Sole and Bottom; Toe and Side Lasting; Prewelt Assembly; McKay Channels; Sole Attaching; Lapping Leather Welting; and Insole Reinforcing—all Methods.

(b) No person shall use any cement which contains reclaimed or scrap rubber except,

(1) For uses for which cements containing crude rubber, natural latex or general purpose synthetics are permitted.

(2) In the manufacture of any products not prohibited by Schedule B, Appendix I.

2. By adding the following item to Schedule B, Appendix I (Prohibited Products), under "Prohibited on Civilian Orders":

Paper, combining of paper products except for shoes.

3. By changing Group 4 of the production pattern in List 6, Appendix II, to read as follows:

4. *Industrial tires and tubes:*

- (a) Eagle rollers.
- (b) Pressed-on solid tires.
- (c) Cured-on solid tires.
- (d) Pneumatic tires.
- (e) Tubes.

4. By revolving subparagraphs (b) (1) (i) and (b) (1) (iii) of List 6, Appendix II, thereby making optional the painting of tires and tubes for the sake of appearance and the clipping or shearing of curing-vent overflow.

5. By amending the table in List 24, Appendix II, to "Eagle, Idler and Support Rollers" to read as follows:

Roller, Idler and Support Rollers

Description of product:	Maximum percent of crude rubber by volume in compound
Eagle wheel tires for light tanks, size 21 x 6 x 16.....	3
Idlers for light tanks, size 19 x 6 x 16.....	3
Eagle wheels for half-tracks, size 12 x 4 1/2".....	3
Track wheel discs for 76 mm gun motor carriage, T-70.....	3
Support roller discs for 76 mm gun motor carriage, T-70.....	3
All other.....	As needed.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 55 Stat. 176; E.O. 9121, 7 F.R. 329; E.O. 9123, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3600; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6737)

Issued this 4th day of February 1944.

RUBBER DIRECTOR,  
WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-1723; Filed, February 4, 1944;  
11:17 a. m.]

Chapter XI—Office of Price Administration  
PART 1418—TERRITORIES AND POSSESSIONS  
[RMPR 183, Amdt. 24]

MIXED FERTILIZER, SUPERPHOSPHATE AND  
POTASH, IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 183 is amended in the following respect: Section 61 is added to read as follows:

Sec. 61. *Maximum prices for mixed fertilizer, superphosphate and potash—*  
(a) *Definitions.* When used in this section, the term:

(1) "Manufacturer" means a person who produces, mixes or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash or nitrogenous material for use as an aid to the growth of crops or plants.

(2) "Dealer" means a person who purchases mixed fertilizer, superphosphate or potash and resells it to a consumer.

(3) "Consumer" means a person purchasing mixed fertilizer, superphosphate or potash for use in aiding the growth of crops or plants (and not for resale) including the Agricultural Adjustment Agency.

(4) "Mixed fertilizer" means any substance containing any two or more, of potash, superphosphate, and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(5) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(6) "Potash" means muriate, chloride or sulphate of potash, manure salts and any other substance containing potassium oxide ( $K_2O$ ), when marketed or sold as an aid to the growth of crops or plants.

(7) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants, except when so marketed or sold without the admixture of any potash or superphosphate.

(8) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, or potash, expressed in terms of ammonia, available phosphoric acid, and water-soluble potash, e. g. 4-12-4, 0-14-7, 0-20-0, 0-0-50.

(9) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the proportions thereof, containing the guaranteed plant food content of mixed fertilizer—as, for example, in the case of nitrogenous material, 80% water soluble

and 20% water-insoluble nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(10) "Price schedule" means any price list or statement, irrespective of form, issued or used by the seller, setting forth the prices, grades, kinds, terms of payment, types of containers or bags, method and conditions of delivery and any other provisions relating to sales of the commodities being priced.

(b) *Manufacturers' maximum prices—*  
(1) *Delivered prices.* A manufacturer's maximum prices for sales of mixed fertilizer, superphosphate and potash delivered to any purchaser's premises or to the railroad shipping station located nearest to the purchaser shall be the prices set forth in his written or printed price schedule or list effective on October 15, 1941, denoted herein as the base period prices, subject to adjustment upward or downward each quarter year by an amount determined as follows:

On or before January 1, 1944, the manufacturer shall determine the average delivered-to-factory cost per unit for each of these four items used or received by him, as the case may be, during the period July 1 to December 31, 1941:

1. Ammonia.
2. Available phosphoric acid.
3. Potash.
4. Bags or containers.

Using these averages as cost figures the manufacturer shall determine, by use of his own formula, the total cost of the amounts of the first three items entering into a ton of his finished fertilizer. To this he shall add the cost (as determined above) of the number of bags or containers he has customarily used to contain one ton of his fertilizer. This final figure is hereafter referred to as "base cost". It is a figure that will be used each three months, and once verified, need not be recomputed.

On January 1, 1944, and quarter annually thereafter the manufacturer shall likewise determine the average delivered-to-factory cost per unit of each of the four items used or received by him, as the case may be, during the period of three months immediately preceding the date of computation.

Using these averages as cost figures the manufacturer shall determine, by use of his own formula, the total cost of the amounts of the first three items entering into a ton of his finished fertilizer. To this he shall add the cost (as determined above) of the number of bags or containers he has customarily used to contain one ton of his fertilizer. This final figure is hereafter referred to as "current cost".

If, during any three-month period one or more of the four items of raw material were not received by the manufacturer, he shall use as the price for such material in his quarterly computations the average price computed for the next preceding three-month period.

If on any quarter-annual date the current cost shall be less than the base cost, then for the succeeding three-month pe-

riod the manufacturer's maximum price per ton shall be the price scheduled by him on October 15, 1941, less the difference between current cost and base cost.

If on any quarter-annual date the current cost be greater than the base cost, then for the succeeding three months' period the manufacturer's maximum price per ton shall be the price scheduled by him on October 15, 1941, plus the difference between current cost and base cost.

The manufacturer's maximum prices on quantities less than a ton shall preserve the same relative differentials as were present in his price schedule of October 15, 1941.

(2) *F. o. b. prices.* A manufacturer's maximum prices for sales of mixed fertilizer, superphosphate and potash f. o. b. his plant or warehouse shall be determined by subtracting from his delivered prices the freight allowances which he included in his price schedule in effect on October 15, 1941.

(3) *Prices for grades not listed.* A manufacturer's maximum prices for sales of a grade of mixed fertilizer, superphosphate and potash which was not listed in his price schedule effective on October 15, 1941 shall be a price authorized, upon application of the manufacturer, by the Order of the Director of the Office of Price Administration for Puerto Rico, and shall be a price in line with those established by this regulation for grades which were offered for sale by the manufacturer in his price schedule effective October 15, 1941.

(c) *Dealers' maximum prices—*  
(1) *Cash prices.* A dealer's maximum cash prices for sales of mixed fertilizer, superphosphate and potash shall be determined by adding together the following factors:

(i) The manufacturer's maximum time price on a sale of the same quantity.

(ii) The actual transportation cost, if any, incurred by the dealer from the manufacturer's planter warehouse to the dealer's place of business: *Provided*, That such transportation cost may not exceed the customary carrier charge for a similar shipment, whether such transportation be accomplished by a common or contract carrier or any other person.

(iii) An amount equal to five percent of the sum of paragraphs (i) and (ii).

(2) *Time prices.* A dealer's maximum time prices for sales of fertilizer, superphosphate and potash shall be equal to his maximum cash prices, plus six percent.

(d) *Prohibited practices; general.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts, and to devices making use of commissions, services, transpor-

\*Copies may be obtained from the Office of Price Administration.

18 F.R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.



tation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(e) *Filing of price schedules by manufacturers.* Not later than January 6, 1944, every manufacturer of mixed fertilizer, superphosphate, and potash in Puerto Rico shall file with the Territorial Office of Price Administration, San Juan, Puerto Rico, a complete schedule of prices in effect on that date and thereafter shall file within five days of their effective date all supplements and amendments to price schedules in effect on January 1, 1944.

This amendment shall become effective as of January 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of February 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1713; Filed, February 3, 1944;  
4:29 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS  
[MPR 373, Amdt. 36]

MAXIMUM PRICES IN THE TERRITORY OF  
HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 52 (b) (3) (i) is amended; (b) (10) is added; (c) (3) is amended; (c) (10) is added; (j) (7), (8) and (9) are added; all to read as follows:

(b) \* \* \*

(8) \* \* \*

(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section, except maximum prices computed under the provisions of paragraph (b) (10) of this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

(10) *Sales by local sub-jobbers.* The maximum price for sales by a local sub-jobber of any article, listed and described

in paragraph (a) of this section, to a retail establishment, shall be:

(i) Where the sale is by a sub-jobber who has purchased the article from a mainland wholesaler or jobber, whether shipped from the establishment of the wholesaler or jobber or direct from the factory, the maximum price shall be computed by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8%, by 1.20.

(ii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (1) of this section, the maximum price shall be computed by multiplying the wholesaler's or jobber's allowable maximum price by 1.15.

(iii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (5) of this section applying to drop shipments, the maximum price shall be computed by multiplying the manufacturer's selling price by 1.35.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(c) \* \* \*

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the primary wholesaler's or jobber's selling price, less all allowable discounts and allowances, except cash discounts up to 8%, by the figure given below in the second column of the Table below for the classification of goods to be priced.

(10) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances by 1.30.

(j) \* \* \*

(7) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(8) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(9) "Primary wholesaler or jobber" means a wholesaler or jobber who has purchased the article directly from the manufacturer.

2. Section 53 (b) (8) (i) is amended; (b) (10) is added; (c) (3) is amended; (c) (10) is added; (i) (7), (8) and (9) are added; all to read as follows:

(b) \* \* \*

(8) \* \* \*

(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section, except maximum prices computed under the provisions of paragraph (b) (10) of this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

(10) *Sales by local sub-jobbers.* The maximum price for sales by a local sub-jobber of any article, listed and described in paragraph (a) of this section, to a retail establishment, shall be:

(i) Where the sale is by a sub-jobber who has purchased the article from a mainland wholesaler or jobber, whether shipped from the establishment of the wholesaler or jobber or direct from the factory, the maximum price shall be computed by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8%, by 1.20.

(ii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (1) of this section, the maximum price shall be computed by multiplying the wholesaler's or jobber's allowable maximum price by 1.15.

(iii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (5) of this section applying to drop shipments, the maximum price shall be computed by multiplying the manufacturer's selling price by 1.35.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(c) \* \* \*

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the primary wholesaler's or jobber's selling price, less all allowable discounts and allowances, except cash discounts up to 8%, by the

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 5383, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

figure given below in the second column of the Table below for the classification of goods to be priced.

(10) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances, by 1.30.

(i) \* \* \*

(7) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(8) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(9) "Primary wholesaler or jobber" means a wholesaler or jobber who has purchased the article directly from the manufacturer.

3. Section 60 (b) (5) is added; (h) (1) is amended; (h) (4) is added; (i) (6), (7) and (8) are added to read as follows:

(b) \* \* \*

(5) *Sales by local sub-jobbers.* The maximum prices for sales by a local sub-jobber of any finished piece goods, listed and described in paragraph (a) of this section, to a retail establishment shall be:

(i) Where the sale is by a sub-jobber who purchased the article from a mainland converter, as a Class II purchaser, or from a mainland converter-jobber, wholesaler or jobber, the maximum price shall be computed by multiplying the converter's, converter-jobber's, wholesaler's or jobber's maximum selling price less all allowable discounts and allowances, except cash discounts up to 3%, by 1.25.

(ii) Where the sale is by a sub-jobber who purchased the article from a local converter-jobber, wholesaler or jobber, whether shipped from the establishment of the converter-jobber, wholesaler or jobber or from the factory, the maximum price shall be computed by multiplying the converter-jobber's, wholesaler's or jobber's maximum wholesale price, as computed under paragraph (b) (1) of this section, by 1.18.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(h) \* \* \*

(1) *Mainland purchases.* The maximum price for sales at retail of finished piece goods shall be computed by multiplying the converter's or the primary converter-jobber's, wholesaler's or job-

ber's invoice price less all allowable discounts and allowances except cash discounts up to 3% by the figure given below in the first column for the classification of goods to be priced.

(4) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances, by 1.35.

(i) \* \* \*

(6) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(7) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(8) "Primary converter-jobber, wholesaler or jobber" means a converter-jobber, wholesaler or jobber who has purchased the finished piece goods directly from the converter or manufacturer.

4. Section 61 (b) (9) (i) is amended; (b) (10) is added; (c) (3) is amended; (c) (10) is added; (j) (7), (8) and (9) are added; all to read as follows:

(b) \* \* \*

(9) \* \* \*

(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section, except maximum prices computed under the provisions of paragraph (b) (10) of this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

(10) *Sales by local sub-jobbers.* The maximum price for sales by a local sub-jobber of any article, listed and described in paragraph (a) of this section, to a retail establishment, shall be:

(i) Where the sale is by a sub-jobber who has purchased the article from a mainland wholesaler or jobber, whether shipped from the establishment of the wholesaler or jobber or direct from the factory, the maximum price shall be computed by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8%, by 1.20.

(ii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (1) of this section, the maximum price shall be computed by multiplying the wholesaler's or jobber's allowable maximum price by 1.15.

(iii) Where the sale is by a sub-jobber who has purchased the article from a lo-

cal wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (5) of this section applying to drop shipments, the maximum price shall be computed by multiplying the manufacturer's selling price by 1.35.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(c) \* \* \*

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article, listed and described in paragraph (a) of this section, which the retailer purchases from a mainland wholesaler or jobber, shall be the amount determined by multiplying the primary wholesaler's or jobber's selling price, less all allowable discounts and allowances, except cash discounts up to 8%, by the figure given below in the second column of the table below for the classification of goods to be priced.

(10) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances, by 1.30.

(j) \* \* \*

(7) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(8) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(9) "Primary wholesaler or jobber" means a wholesaler or jobber who has purchased the article directly from the manufacturer.

5. Section 62 (b) (7) (i) is amended; (b) (8) is added; (c) (3) is amended; (c) (10) is added; (k) (8), (9) and (10) are added; all to read as follows:

(b) \* \* \*

(7) \* \* \*

(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section, except maximum prices computed under the provisions of paragraph (b) (8) of this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of

wholesalers or jobbers purchasing and reselling the commodity.

(8) *Sales by local sub-jobbers.* The maximum price for sales by a local sub-jobber of any article, listed and described in paragraph (a) of this section, to a retail establishment, shall be:

(i) Where the sale is by a sub-jobber who has purchased the article from a mainland wholesaler or jobber, whether shipped from the establishment of the wholesaler or jobber or direct from the factory, the maximum price shall be computed by multiplying the sum of the wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8%, plus "landing cost" (as defined in paragraphs (g) and (h)), by 1.15.

(ii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (1) of this section, the maximum price shall be computed by multiplying the wholesaler's or jobber's allowable maximum price by 1.15.

(iii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (2) of this section applying to drop shipments, the maximum price shall be computed by multiplying the sum of the manufacturer's selling price, plus "landing cost" (as defined in paragraphs (g) and (h)), by 1.25.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(c) \* \* \*

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article, listed and described in paragraph (a) of this section, which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the primary wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8% plus the "landing cost" by the figure given in the second column of the Table for the classification of goods to be priced.

(10) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances, by 1.30.

(k) "Wholesaler or jobber" means a person who purchases articles from a

manufacturer for the purpose of resale at wholesale.

(9) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(10) "Primary wholesaler or jobber" means a wholesaler or jobber who has purchased the article directly from the manufacturer.

This amendment shall become effective as of December 6, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328; 8 F.R. 4681)

Issued this 3d day of February 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1714; Filed, February 3, 1944; 4:28 p. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [MPR 373, Amdt. 37]

##### MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 373 is amended in the following respect:

The table following section 21 (d) (1) is amended by changing the prices of "grapefruit" to read as follows:

Grapefruit	Wholesale maximum prices	Special institutional maximum prices	Retail maximum prices
64's.....	\$4.00 per box..	None	\$9.10 each.
70's.....	\$4.00 per box..	None	\$9.09 each.
80's.....	\$4.00 per box..	None	\$9.08 each.
100's.....	\$4.00 per box..	None	\$9.05 each.

This amendment shall become effective as of December 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of February 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1715; Filed, February 3, 1944; 4:29 p. m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES [RMFR 487, Correction]

##### WHEAT

Revised Maximum Price Regulation No. 487 is corrected in the following respects:

\*Copies may be obtained from the Office of Price Administration.

\* 8 F. R. 5388, 6369, 6849, 7200, 7457, 8004, 8550, 10270, 10666, 10924, 11247, 11437, 11849, 12299, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15551, 15852, 15862, 16866, 16397, 17201; 9 F.R. 173, 393.

1. Section 3 (a) (15) (iv) is corrected to read as follows:

(iv) If the conveyance used is not a common carrier,  $1\frac{1}{2}$ ¢ per bushel for the first 5 miles and  $\frac{1}{4}$  cent per bushel for each additional five miles or fraction thereof of the haul, the distance to be determined by the shortest one-way route between the two points in question reasonably suited for truck travel.

2. Section 3 (a) (16) is corrected by eliminating the period at the end thereof and adding the following thereto: "and the counties of Quay, Debaca, Curry, Roosevelt, Chaves, Lea, Eddy, Guadalupe, Lincoln and Otero in New Mexico."

3. The heading "Hard Red Winter White Wheat" directly over the right hand column in Table Ib in Appendix A is corrected to read "Hard Red Winter Wheat, White Wheat".

This correction shall become effective February 9, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of February 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1716; Filed, February 3, 1944; 4:28 p. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### Chapter II—Office of Defense Transportation

[Suspension Order ODT 19-2]

#### PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

##### MOVEMENT OF LIQUID CARGO IN BULK IN GREAT LAKES, INLAND WATERWAY, COASTWISE AND INTERCOASTAL SHIPPING

Pursuant to the provisions of § 502.65 of General Order ODT 19 (7 F.R. 6499), Suspension Order ODT 19-1, as amended, shall be superseded, and it is hereby ordered, that:

§ 522.700 *Permit requirements of § 502.61 of General Order ODT 19 suspended with respect to certain transportation.* The provisions of § 502.61 of General Order ODT 19 shall be and they are hereby suspended until further order with respect to the transportation of:

(a) Crude petroleum and petroleum products from any port or shipping point via the Gulf of Mexico or the Gulf Intracoastal Waterway to a destination east or north of the shipping point;

(b) Crude petroleum from points and places west of milepost 200 on the Gulf Intracoastal Waterway to points west of shipping point and east of milepost 300 on the Gulf Intracoastal Waterway;

(c) Crude petroleum from producing oil fields to refining centers located within 60 miles from point of origin;

(d) Crude petroleum and petroleum products northward and eastward along the Atlantic coast, by sea or by the Atlantic Intracoastal Waterway and ad-

adjacent and tributary waters, for delivery to any destination in the Atlantic seaboard area of the United States, except northward on the Hudson River above Peekskill;

(e) Crude petroleum and petroleum products down the Mississippi River between Baton Rouge, Louisiana, and Meraux, Louisiana;

(f) Crude petroleum and petroleum products northward on the Mississippi River and eastward and northward on the Ohio River and its tributaries;

(g) Crude petroleum and petroleum products on the Pacific Ocean and waters adjacent and tributary thereto;

(h) Crude petroleum and petroleum products between points in the same harbor when the point of destination is not more than 35 miles distant by water from the point of origin; and

(i) Crude petroleum and petroleum products on the Illinois Waterway system northward as far north as Chicago, Illinois, and southward as far south as Peoria, Illinois.

This Suspension Order ODT 19-2 shall become effective on February 4, 1944.

Suspension Order ODT 19-1, as amended, (7 F.R. 6499, 8 F.R. 12825), is hereby revoked as of the effective date of this Suspension Order ODT 19-2.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 19, 7 F.R. 6499)

Issued at Washington, D. C., this 4th day of February 1944.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 44-1724; Filed, February 4, 1944;  
10:42 a. m.]

## Notices

### CIVIL AERONAUTICS BOARD.

[Docket Nos. 514, 528 and 994]

TRANSCONTINENTAL & WESTERN AIR, INC.,  
BRANIFF AIRWAYS, INC., AND CONTINENTAL  
AIR LINES, INC.

#### NOTICE OF ORAL ARGUMENT

In the matter of the applications of Transcontinental and Western Air, Inc., Braniff Airways, Inc., and Continental Air Lines, Inc., for amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, oral argument before the Board in the above-entitled proceeding is hereby assigned for February 10, 1944, 10:00 a. m. (eastern war time) in Room 5042, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C.

Dated: Washington, D. C., February 2, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 44-1725; Filed, February 4, 1944;  
10:48 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION.

#### MULTIPLE OWNERSHIP OF STANDARD BROADCAST STATIONS

#### PUBLIC NOTICE CONCERNING COMPLIANCE WITH ORDER 84-A

The Commission draws attention of interested broadcast licensees to the necessity of their proceeding with due diligence to carry out the provisions of Order 84-A (8 F.R. 16065).

To avoid hardship in any particular case where disposition of one of the stations, or compliance with the order by other means, is not feasible prior to May 31, 1944, the Commission will consider a petition for extension of license for such period as may be necessary to complete negotiations for an orderly disposition or otherwise to comply with the terms of the order, provided, such petition sets forth:

1. The specific facts establishing due diligence in the effort to effect a compliance with the terms of the order and the licensee's inability to comply with the terms of the order.

2. The determination of the licensee to proceed in good faith as expeditiously as may be to effectuate compliance with the order.

Dated: January 29, 1944.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-1718 Filed, February 4, 1944;  
9:57 a. m.]

[Order 119]

#### REQUIREMENTS FOR MAKING AND PRESERVING RECORDINGS OR TRANSCRIPTIONS OF NETWORK PROGRAMS

#### NOTICE OF PROPOSED RULE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of February 1944;

Whereas the Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed section:

§ 3.409 *Requirements for making and preserving recordings or transcriptions of network programs.* Any program broadcast over a regional or national network shall be transcribed by means of an off-the-line recording by the station at which the program originates and the transcription shall be retained for one year. If the program itself is a transcription, no other recording need be made, but the transcription shall be retained for one year.

Whereas the Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and

argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

Now, therefore, *It is hereby ordered*, That, upon the written request of any interested person, oral argument be held before the Commission en banc on March 15, 1944, at 10:30 a. m., as to why the above proposed rule should not be adopted or why it would not be adopted in the form proposed by this order. Such requests for oral argument shall be filed by all persons desiring to appear on or before March 1, 1944, and each such request shall be accompanied by a brief.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-1719; Filed, February 4, 1944;  
9:57 a. m.]

### FEDERAL POWER COMMISSION.

[Docket No. IT-5880]

THE HARPERS FERRY PAPER CO. AND  
POTOMAC LIGHT AND POWER CO.

#### NOTICE OF APPLICATION

FEBRUARY 3, 1944.

Notice is hereby given that on February 1, 1944, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by The Harpers Ferry Paper Company (hereinafter called "Harpers"), a corporation organized under the laws of the State of West Virginia and doing business in said State, with its principal business office at Alexandria, Virginia, and Potomac Light and Power Company (hereinafter called "Potomac"), a corporation organized under the laws of the State of West Virginia and doing business in said State, with its principal business office at Martinsburg, West Virginia, seeking an order authorizing the assignment, transfer and sale by Harpers to Potomac, and the purchase by Potomac, of all of Harpers' properties, except cash, bills and accounts receivable, including Harpers' hydro-electric generating plant, a dam, canal and spillways, situated on the waters of the Potomac River at or near Harpers Ferry, West Virginia (the generating plant, canal, spillways and the south abutment of the dam are located in the State of West Virginia and the dam and north abutment are located in the State of Maryland), for a consideration stated in the application to be a sum not in excess of \$150,000.00; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 19th day of February 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUGUAY,  
Secretary.

[F. R. Doc. 44-1723; Filed, February 4, 1944;  
10:41 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 34]

## COMMON CARRIERS BY RAILROAD

## ORDER TO DISREGARD CERTAIN RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Los Angeles, California, January 24, 1944, by Pacific Coast Distributors of car PFE 43009, now on the Southern Pacific Railroad to San Francisco, California.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1944.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 44-1730; Filed, February 4, 1944;  
11:31 a. m.]

[S. O. 178, Special Permit 11]

## CONCENTRATED FRUIT JUICE SHIPMENTS

## ORDER TO DISREGARD CERTAIN LOADING PROVISIONS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of car PFE 100495 with fruit juice concentrates by Bireleys at (Hollywood) Los Angeles, California, and the movement of that car from that point February 1 or 2, 1944, to Camden, New Jersey. (Pacific Electric, Southern Pacific.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1944.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 44-1731; Filed, February 4, 1944;  
11:31 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 149 Under MPR 136, as Amended]

## USED CONSTRUCTION EQUIPMENT FOR OVERSEAS TROOP USE

## AUTHORIZATION OF MAXIMUM PRICE

Order No. 149 under Maximum Price Regulation 136, as amended: Machines and parts, and machinery services.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, it is hereby ordered:

(a) That any seller may sell and deliver to the United States Army Corps of Engineers, and the United States Army Corps of Engineers may purchase and receive, any used construction equipment purchased for overseas use by the armed forces of the United States at a maximum price (to be calculated after the rebuilding of the equipment) which, after adding the cost of rebuilding and reconditioning such equipment by the said Corps of Engineers, shall not exceed a total of 85% of the new base price of the equipment (as "new base price" is defined in § 1390.11 of Maximum Price Regulation 136, as amended). Each such transaction shall be accompanied by a statement in writing by the procuring officer or officer, or other competent agency, to the effect that the purchase is made at a price not exceeding the maximum price hereby authorized by the Office of Price Administration. Such written statement may be contained in the purchase order authorizing the transaction but in any event a copy of such statement shall be given to the seller.

(b) Any provisions of § 1390.11 which require a seller to furnish a guaranty, and the provisions relating to the maximum prices applicable to the sale of used construction equipment so far as they are inconsistent with the authorization granted by this order, are hereby superseded with respect to the purchase of used construction equipment made pursuant to and in conformity with paragraph (a) above of this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective February 3, 1944.

Issued this 3d day of February 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1717; Filed February 3, 1944;  
4:28 p. m.]

## Regional and District Office Orders.

[Region IV Order G-17 Under RMFR 122,  
Amdt. 1]

## SOLID FUELS IN TOCCOA, GA., AREA

Amendment No. 1 to Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix I, maximum prices for solid fuels in the City of Toccoa and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G-17, it is hereby ordered, That paragraph (m) of said Order No. G-17 be amended by adding a new sub-paragraph thereto, designated (m) (1), to read as set forth below:

(m) \* \* \*

(1) Appendix I; Maximum prices for specified solid fuels in Toccoa, Georgia. The maximum prices for specified solid fuels sold and delivered within the corporate limits of the City of Toccoa, Georgia, and the area lying within twenty miles of said corporate limits by the most direct highway route shall be as follows:

(i) "Direct delivery or domestic" basis.

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT  
No. 8

Size	Per ton, 2,000 lbs.	Per 1/2 ton, 1,000 lbs.	Per 1/4 ton, 500 lbs.
Block.....	\$9.42	\$4.70	\$2.45
Stove.....	9.60	4.80	2.45
Subst.....	8.59	4.10	2.15

(ii) Special sales and services. (a) Carry up or down stairs: Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 40¢ per ton.

(b) Sack coal: For coal sold in sacks the dealer may charge not more than 50¢ per 100 pounds at the yard and 60¢ per 100 pounds delivered to the purchaser's premises.

(c) Yard sales: When the purchaser picks up coal at the dealer's yard, the dealer must reduce his domestic price at the rate of 50¢ per ton.

(d) Delivery zone: No extra charge for delivery may be made for deliveries within the corporate limits of Toccoa or within three miles of said corporate limits. For deliveries of a distance greater than three miles beyond the corporate limits of Toccoa, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond a point three miles from said corporate limits, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(e) Credit: No additional charge over the prices provided in this order may be made for credit.



This Amendment No. 1 to Order No. G-17 shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 22, 1944.

JAMES C. DERIEUX,  
Regional Administrator.

[F. R. Doc. 44-1707; Filed, February 3, 1944;  
2:28 p. m.]

[Region IV Order G-17 Under RMPR 122,  
Amdt. 2.]

#### SOLID FUELS IN DALTON, GA., AREA

Amendment No. 2 to Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix II, maximum prices for solid fuels in the City of Dalton and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G-17, *It is hereby ordered*, That paragraph (m) of said Order No. G-17 be amended by adding a new subparagraph thereto, designated (m) (2), to read as set forth below:

(m) \* \* \*

(2) *Appendix II; Maximum prices for specified solid fuels in Dalton, Georgia.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the City of Dalton, Georgia, and the area lying within fifteen miles of said corporate limits by the most direct highway route shall be as follows:

(1) "Direct delivery or domestic" basis:

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT  
No. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Egg.....	\$7.75	\$4.13	\$2.07
Block.....	8.30	4.40	2.20
Stoker.....	7.50	4.15	2.03
Slack.....	6.25	3.33	1.69

(ii) *Special sales and services.* (a)

Carry up or down stairs: Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 50¢ per ton.

(b) Sack coal: For egg coal sold in sacks, the dealer may charge not more than 50¢ per 100 pounds.

(c) Yard sales: When the buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price 50¢ per ton. This does not apply to yard sales of sack coal, in which sales no reduction is required.

(d) Delivery zone: For deliveries beyond the corporate limits of Dalton, Georgia, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corpo-

rate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(e) Credit: No additional charge over the prices provided in this order may be made for credit.

This Amendment No. 2 to Order No. G-17 shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 21, 1944.

JAMES C. DERIEUX,  
Regional Administrator.

[F. R. Doc. 44-1708; Filed, February 3, 1944;  
2:28 p. m.]

[Region IV Order G-17 Under RMPR 122,  
Amdt. 3]

#### SOLID FUELS IN ROME, GA., AREA

Amendment No. 3 to Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix III, maximum prices for solid fuels in the City of Rome and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G-17, *It is hereby ordered*, That paragraph (m) of said Order No. G-17 be amended by adding a new sub-paragraph thereto, designated (m) (3), to read as set forth below:

(m) \* \* \*

(3) *Appendix III; Maximum prices for specified solid fuels in Rome, Georgia.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the City of Rome, Georgia, and the area lying within fifteen miles of said corporate limits by the most direct highway route shall be as follows:

(1) "Direct delivery or domestic" basis.

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT  
No. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Egg.....	\$8.10	\$4.30	\$2.23
Block.....	8.65	4.63	2.41
Stoker.....	7.45	3.98	2.11
Slack.....	6.50	3.00	1.63

(ii) *Special sales and services.* (a)

Sack coal: For egg coal sold in 70 pound sacks the dealer may charge not more than 35¢ per sack and \$1.00 for three sacks at the yard.

(b) Yard sales: When the buyer picks up egg and block coals at the yard, the dealer must reduce the domestic price \$1.00 per ton. On sales of stoker coal at the yard the dealer must reduce the domestic price 75¢ per ton.

(c) Delivery zone: For deliveries beyond the corporate limits of Rome, Georgia, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(d) Credit: No additional charge over the prices provided in this order may be made for credit.

This Amendment No. 3 to Order No. G-17 shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 22, 1944.

JAMES C. DERIEUX,  
Regional Administrator.

[F. R. Doc. 44-1709; Filed, February 3, 1944;  
2:29 p. m.]

[Region IV Order G-17 Under RMPR 122,  
Amdt. 4]

#### SOLID FUELS IN MACON, GA., AREA

Amendment No. 4 to Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix IV, maximum prices for solid fuels in the City of Macon and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G-17, *It is hereby ordered*, That paragraph (m) of said Order No. G-17 be amended by adding a new subparagraph thereto, designated (m) (4), to read as set forth below:

(m) \* \* \*

(4) *Appendix IV; Maximum prices for specified solid fuels in Macon, Georgia.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the City of Macon, Georgia, and the area lying within fifteen miles of said corporate limits by the most direct highway route shall be as follows:

(1) "Direct delivery or domestic" basis.

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT  
No. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Egg.....	\$9.55	\$5.00	\$2.51
Egg (Blue Gem).....	10.00	5.13	2.61
Block.....	10.15	5.20	2.60
Block (Mayflower, Blue Gem, Regal, Red Clover).....	10.45	5.35	2.71
Stoker.....	9.05	4.65	2.33
Slack.....	7.50	3.83	2.00

(ii) *Special sales and services.* (a) Carry up or down stairs: Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 50¢ per ton.

(b) Sack coal: For egg coal sold in sacks at the yard, the dealer may charge not more than 60¢ per 100 pounds. For deliveries of not less than 10 sacks of egg coal, the dealer may charge not more than 60¢ per 80 pounds.

(c) Yard sales: When the buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price 50¢ per ton. This does not apply to yard sales of sack coal, in which sales no reduction is required.

(d) Quantity: On deliveries of more than 10 tons, the dealer must reduce the price 50¢ per ton.

(e) Delivery zone: For deliveries beyond the corporate limits of Macon, Georgia, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(f) Credit: If the buyer requests the dealer to extend credit, the dealer may add not more than 50¢ per ton for the extension of credit.

This Amendment No. 4 to Order No. G-17 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 27, 1944.

ALEXANDER HARRIS,  
Acting Regional Administrator.

[F. R. Doc. 44-1710; Filed, February 3, 1944;  
2:29 p. m.]

[Region IV Order G-17 Under RMPR,  
Amdt: 5]

#### SOLID FUELS IN COLUMBUS, GA., AND PHENIX CITY, ALA.

Amendment No. 5 to Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix V, maximum prices for solid fuels in Columbus, Georgia and Phenix City, Alabama.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G-17, *It is hereby ordered*, That paragraph (m) of said Order No. G-17 be amended by adding a new subparagraph thereto, designated (m) (5), to read as set forth below:

(m) \* \* \*

(5) *Appendix V: Maximum prices for specified solid fuels in Columbus, Georgia, and Phenix City, Alabama.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the Cities of Columbus, Georgia, and Phenix City, Alabama, and the area lying within fifteen miles of said corporate limits by the most direct highway route shall be as follows:

(i) *"Direct delivery or domestic" basis.*

#### HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT No. 8

Size	Per ton, 2,000 lbs.	Per 1/2 ton, 1,000 lbs.	Per 1/4 ton, 500 lbs.
Lump or Block.....	\$10.00	\$5.70	\$2.65
Egg.....	9.85	5.48	2.71
Blue Gem Egg.....	10.20	5.85	2.80
Stoker.....	9.70	5.10	2.63
Slack.....	7.00	3.75	2.00

#### HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT No. 13

Size	Per ton, 2,000 lbs.	Per 1/2 ton, 1,000 lbs.	Per 1/4 ton, 500 lbs.
Lump.....	\$10.85	\$5.65	\$2.65
Piper Lump.....	11.40	6.00	3.13
Montevallo.....	12.15	6.33	3.29
Stoker.....	9.10	4.89	2.53

(ii) *Special sales and services.* (a) Carry up or down stairs: Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 75¢ per ton.

(b) Sack coal: For coal sold in sacks, the dealer may charge not more than 55¢ per 70 pounds at the yard, and not more than 65¢ per 70 pounds when delivered.

(c) Yard sales: When the buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price \$1.00 per ton. This does not apply to yard sales of sack coal, in which sales no reduction is required.

(d) Delivery zone: For deliveries beyond the corporate limits of Columbus, Georgia, or Phenix City, Alabama, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such cities, with a minimum charge of 50¢ for each such delivery, said mileage to be determined by the actual highway mileage from the said corporate limits to the point of delivery by the most direct highway route.

(e) Sales tax: The State sales tax of 2% may be added to the prices provided in this appendix for sales of coal in Phenix City, Alabama, and other Alabama delivery points.

(f) Credit: No additional charge over the prices provided in this appendix may be made for credit.

This Amendment No. 5 to Order No. G-17 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 27, 1944.

ALEXANDER HARRIS,  
Acting Regional Administrator.

[F. R. Doc. 44-1711; Filed, February 3, 1944;  
2:29 p. m.]

[Region V Order G-1 Under MPR 426]

#### LETTUCE IN THE KANSAS CITY DISTRICT

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director of the Kansas City District Office of Region V of the Office of Price Administration by virtue of the delegation of authority contained in Order No. 27 issued by the Regional Administrator of the Dallas Regional Office of the Office of Price Administration on July 13, 1943, pursuant to section 2 of Maximum Price Regulation No. 426—Fresh fruits and vegetables for table use, sales except at retail, *It is hereby ordered*, That:

A. The maximum prices for less-than-carlot and less-than-trucklot sales of the following lettuce items by a "first receiver" and a "secondary wholesaler" to any purchaser, including individual retail stores, commercial, industrial or institutional users, shall be:

Item	Maximum prices for "first receiver"	Maximum prices of "second- ary wholesaler"
(1) Iceberg lettuce in L. A. or Salinas crates containing not less than 48 heads with a minimum net weight of 60 lbs.....	\$4.00	\$3.50
(2) All lettuce in any container except Iceberg lettuce in L. A. or Salinas crates, and except lettuce sold in any container with a net weight of less than 60 lbs. in any container or less than 48 heads in an L. A. or Salinas crate, such lettuce shall be priced under this item 2 cents per lb.....	8.2	8.7

(1) The maximum prices set forth above for both "first receiver" and "secondary wholesaler" are the maximum prices for sales of lettuce delivered to the physical premises of the purchaser, except that a "first receiver" who performs the function of delivering lettuce to the place of business of a retail store or commercial, industrial or institutional user located more than 25 miles from the place of business of the seller; or who performs the functions of selling and delivering lettuce in less than original containers to retail stores, commercial, industrial or institutional users may use the price established for sales of the item by "secondary wholesalers".

B. Maximum prices of the above described items of lettuce by growers in less-than-carlot or less-than-trucklot quantities shall be:

(1) On a sale to a retailer or a commercial, industrial or institutional user, the maximum price for the items set forth for "secondary wholesalers".

(2) On all other sales except to an ultimate consumer the maximum price for the item as set forth above for "first receiver".

(3) On a sale to an ultimate consumer, the maximum price established above for "secondary wholesaler" multiplied by 1.40: *Provided, however*, That such price may not exceed any community (dollars-

and-cents) ceiling prices established by the Kansas City District Office of the Office of Price Administration for fresh fruits and vegetables sold at retail under the provisions of General Order No. 51.

**C. Sales by commission merchants:**

(1) If a commission merchant makes a carlot or trucklot sale at a wholesale receiving point, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales established in Column 6 of Appendix A—Lettuce, of Maximum Price Regulation No. 426.

(2) If a commission merchant makes a less-than-carlot or less-than-trucklot sale to a retailer or a commercial, industrial or institutional user, his maximum price for that sale shall be priced either as established in Column 6 of Appendix A to Maximum Price Regulation No. 426, plus his commission established under Maximum Price Regulation No. 165, as Amended—Services, or the price established herein for sales by "secondary wholesalers" whichever is lower.

(3) If a commission merchant makes a less-than-carlot or less-than-trucklot sale to anyone other than a retailer or a commercial, industrial or institutional user, his price for that sale shall be either the price established in Column

6 of Appendix A to Maximum Price Regulation No. 426, plus his commission established under Maximum Price Regulation No. 165 as Amended—Services, or the price established herein for sales by a "first receiver", whichever is lower.

**D. Definitions.**

(1) "First receiver" means any person who purchases lettuce in carlot or trucklot quantities and who resells in less-than-carlot or less-than-trucklot quantities to other, intermediate sellers, individual retail stores, or to commercial, industrial or institutional users.

(2) "Secondary wholesaler" means any person who purchases lettuce in less-than-carlot or less-than-trucklot quantities from a "first receiver" and who resells to individual retail stores or to commercial, industrial or institutional users.

(3) "Commission merchant" means any person who is the agent in the terminal market or other wholesale receiving point of a country shipper or other seller who receives lettuce on consignment and who distributes such lettuce on behalf of the principal.

(4) All words, terms and expressions not specifically defined herein shall have the same effect and meaning as in Maximum Price Regulation No. 426.

E. All sales not specifically covered by this Order No. G-1 shall remain subject to Maximum Price Regulation No. 426, and to the extent that any provisions of Maximum Price Regulation No. 426 are not inconsistent with the provisions of this order they shall remain in full force and effect.

F. This order shall become applicable to sales and deliveries made in that part of the State of Missouri lying west of and including the counties of: Putnam, Sullivan, Linn, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Dallas, Webster, Christian, Taney, and to the counties of Johnson, Leavenworth and Wyandotte in the State of Kansas.

G. This order may be revoked, amended or corrected at any time.

H. This order shall become effective on the 1st day of February 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued at Kansas City, Missouri, this 28th day of January 1944.

J. G. CALLAWAY,  
Director.

[F. R. Doc. 44-1712; Filed, February 3, 1944; 2:25 p. m.]